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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,226	02/24/2000	Jeffrey L. Huckins	INTL-0270-US-(P7593)	5664

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EXAMINER

HOYE, MICHAEL W

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/512,226

Applicant(s)

HUCKINS, JEFFREY L.

Examiner

Michael W. Hoye

Art Unit

2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): Rejection of claims 10-13 under 35 U.S.C. § 101.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☒ The proposed drawing correction filed on 10 March 2003 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: The applicant's arguments filed on 6/16/03 have been fully considered but they are not persuasive.

Regarding independent claim 1, the applicant argues that, "Arsenault does not teach a method in which a second announcement including a content description for content is transmitted "before any assignment of connection has been determined for said content."" Applicant further argues that, "Arsenault does not teach transmitting an announcement including a content description until connection information is known." In addition, applicant argues that, "nowhere does Arsenault teach that such content information may be transmitted prior to any assignment of connection."

In response, the examiner respectfully disagrees with the applicant because the Arsenault et al reference clearly teaches that, "two or more input data streams contain...program or content material...such as advance schedules supplied by content providers," and that, "the map generator can respond automatically or in real-time to...input data streams." (see col. 14, lines 12-21 and 27-29) Arsenault specifically teaches receiving advanced schedules transmitted by content providers and then assigning connection information through channel mapping. Therefore, the claimed second announcement including a content description for said content is met by the input data streams which contain program or content material that is transmitted before any assignment of connection has been determined for said content as claimed, since the map generation is performed after the content information is processed.

Regarding independent claim 10, the applicant presents the same arguments as in claim 1.

In response, the examiner respectfully disagrees with the applicant because of the teachings of the Arsenault et al reference as described above for claim 1.

Regarding amended claim 26, the applicant argues that, "nowhere does Arsenault disclose a processor-based system comprising storage "to store a template for said first announcement, said template formed before said connection information is available.""


In response, the examiner respectfully disagrees with the applicant because the Arsenault et al reference clearly teaches, "a processor-based system comprising storage" as shown by data server/storage 75 in Fig. 3. The claimed, "to store a template (or place holder - as defined in the disclosure on pg. 11, lines 11-12 and pg. 15, line 11) for said first announcement (connection information)," is met by map information, or pattern, that is provided to the data server for storage (col. 17, lines 48-49), and the data server (which comprises the storage/place holder for map information provided) provides the necessary (connection/map) information at appropriate times (col. 17, lines 45-55) to the broadcast resources, which meets the claimed before said connection information is available.

Regarding the rejection of dependent claims 3, 4 and 12 under 35 USC § 103, the applicant argues that, "neither Arsenault nor Yoshinobu teach or suggest a method in which a second announcement including content description is transmitted before any assignment of connection has been determined for the content (as discussed above regarding claim 1)."

In response, the examiner respectfully disagrees with the applicant because of the teachings of the Arsenault et al reference as described above for claim 1 by the examiner.

Regarding the rejection of dependent claim 4, the applicant further argues that, "neither Yoshinobu nor Arsenault teaches or suggests linking each of two levels of granularity to connection information for the granularity."

In response, the examiner respectfully disagrees with the applicant because each level of granularity for content description, as disclosed in Yoshinobu, is inherently linked to the same connection information for said level of granularity..


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